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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/005,828      | 12/03/2001  | Michael Wayne Brown  | AUS920010948US1     | 3123             |

7590 05/19/2004  
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EXAMINER

NGUYEN, QUYNH H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2642

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,828

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupe et al. (US 2003/0031309).

Regarding claims 1 and 8, Rupe et al. teach the steps of: receiving a call at a call center (page 1, lines 1-3); placing said call on hold in a hold queue until a representative of the call center is available to answer the call (page 2, [0020]); the call may be routed to remote locations in accordance with the assigned priority (page 1, [0010]); detecting the call at the top of the hold queue, notifying the caller an availability of the representative (page 1, [0011] and page 3, [0031]).

However, Rupe et al. do not explicitly suggest transferring the call to an "expert" while the call is on hold in the hold queue.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the voice response unit (VRU) in Rupe's system to be a person or "expert" at the remote locations instead of programmed and automated while on hold so that the on hold caller would have his or her question answered by an "expert" while waiting for an available agent.

Claim 15 is rejected for the same reasons as discussed with respect to claim 1.

Furthermore, Rupe et al. teach a recording medium (Fig. 2, 44, 48, and 52).

3. Claims 2-6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupe et al. (US 2003/0031309) in view of Walker et al. (U.S. Patent 6,125,178).

Regarding claims 2 and 9, Rupe et al. do not teach the expert is at least one from among a freelance expert, a query group expert, and an emergency group expert.

Walker et al. teach while waiting on a hold queue for an available agent, a caller is given an option to "listen in" to other callers ("query group expert") (col. 6, lines 34-37). For example, other callers who are expert in some areas such travel, insurance, etc.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features mentioned above, as taught by Walker, in Rupe's system in order to allow the on hold caller would have his or her question answer by an expert while waiting for an available agent.

Regarding claims 3 and 10, Walker et al. teach the experts (query group experts / other callers who allow callers to listen in) interacts concurrently with a plurality of callers on hold in the hold queue (col. 6, lines 34-37).

Regarding claims 4 and 11, Rupe et al. do not teach the plurality of callers are on hold in relation to an emergency. It is well known in the art the plurality of callers is on hold in relation to an emergency. For example, callers are on hold for air conditioning service on a hot summer day.

Regarding claims 5, 6, 12, and 13, Rupe et al. do not teach the expert receives a question privately from a particular caller and repeats the question and an answer to the plurality of callers and posed by the callers are ordered in a question queue for managing the order the expert answer the questions. Walker et al. teach the caller who is currently talking to an operator is provided the option of maintaining a private call or allows other callers to listen in (col. 6, lines 28-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker's system so that the expert receives a question privately from a particular caller and repeats the question and an answer to other callers.

4. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupe et al. (US 2003/0031309) in view of Walker et al. (U.S. Patent 6,125,178) and further in view of Beyda et al. (U.S. Patent 6,404,873).

Regarding claims 7 and 14, Rupe and Walker do not teach the callers select to be placed in broadcast queue that manages the order in which callers are allowed to broadcast a question to the expert and the plurality of callers.

Beyda et al. teach voice information generated at the main conference is universally transmitted (col. 2, lines 25-29) reads on claims 7 and 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda's system so that the callers have option to broadcast a question. For example, during the sub conference call, at any point the callers decided to broadcast their conversation or allow other callers to listen in they can do so.

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5. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupe et al. (US 2003/0031309) in view of Beyda et al. (U.S. Patent 6,404,873).

Claims 16 and 18 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rupe et al. teach responsive to the call at the top of the hold queue, allowing the caller to remain in the second hold queue or browsing session or transfer to the representative (page 3, [0029] – [0031]).

However, Rupe et al. do not teach placing the call on hold in a second hold queue within the first hold queue, wherein calls placed in the second hold queue are answered in order by an expert.

Beyda et al. teach a method and system for establishing and managing sub conference calls within a main conference call (see Abstract). Furthermore, when there is many sub conferences requests, it would have been obvious to have a queue so that the requests can be processed in the order of conference ports availability.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of establishing a second hold queue (“sub conference”) within the first hold queue (“main conference”), as taught by Beyda, in Rupe’s system, in order to have the second hold queue within the first hold queue so that the callers can be served systematically while on hold for an available representative.

Claims 17 and 19 are rejected for the same reasons as discussed above with respect to claim 2.

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Claim 20 is rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Rupe et al. teach a recording medium (Fig. 2, 44, 48, and 52).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. (U.S. Patent 6,014,439) teach method and apparatus for entertaining callers in a queue.

***Double Patenting***

7. The copending patent application 10/015383 is currently not available for examination. However, examiner will consider double patenting when the copending patent application 10/015383 becomes available.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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qhn

Quynh H. Nguyen

May 13, 2004

  
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